

Notice of Allowability

Application No.

10/631,260

Examiner

Katherine A. Bareford

Applicant(s)

TAYLOR ET AL.

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of April 15, 2005.
2. ☒ The allowed claim(s) is/are 1,3 and 5-32.
3. ☒ The drawings filed on 31 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>attached</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. G. Coon on May 27, 2005.

IN THE SPECIFICATION:

At page 16, line 1, after "range up", "t" and the box containing the phrase "New pages 7/24/03 10:00 AM" is deleted, and - to 0.25 inches - is inserted in its place.

At page 16, line ²~~A~~, after "thermal", "ene" and the blocked out portion is deleted, and - energy and gas - is inserted in its place.

2. This amendment clarifies what the wording of the specification should be at page 16, where a section of the text was inadvertently blocked out by a note. The correct terminology that was intended to be used in the this section was confirmed by checking the text of paragraph [0034] of WO 2005/012588, which claims priority to this application. Paragraph [0034] otherwise has identical text to that of the paragraph on page 16 which is to be corrected.

3. The amendment of April 15, 2005 and the Examiner's Amendment above remove all outstanding objections and rejections to the case. As to the objection to the drawings in the Office Action of October 22, 2004, this is withdrawn, as the objection is based on the requirements of claims 33-35, and these claims have been canceled. The objections to claims 33 and 35 are withdrawn due to the cancellation of these claims. The 35 USC 102(b) rejection using Rotolico et al (US 4964568) and the 35 USC 103 rejections using Rotolico et al, Rotolico et al in view of Nowotarski et al (US 5486383) and Rotolico et al in view of Nowotarski et al and further in view of Taylor (US 5073433) are all withdrawn due to applicant's amendments and arguments. Independent claim 1 now requires a temperature of the shield gas to be at least 500 degrees F, measured on the centerline of the flow conic at 13 inches downstream from the source of the shield flow, and also that the shield gas is a flow having at least a laminar segment from the source of the effluent flow. The cited references do not provide the combination of the annular source of shield gas in a plane normal to the effluent providing gas flow parallel to the effluent where the gas that a laminar segment as claimed and the temperature requirements at the distance from the shield gas source as claimed.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine A. Bareford whose telephone number is (571) 272-1413. The examiner can normally be reached on M-F(6:00-3:30) with the First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Other inquiries can be directed to the Tech Center 1700 telephone number at (571) 272-1700.

Furthermore, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KATHERINE BAREFORD
PRIMARY EXAMINER